

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 2, 4, 7, 9, 15, 21, and 29 have been cancelled.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1, 3, 5, 6, 8, 10, 14, 16, 20, 22, 28, and 30 are now pending in this application.

Information Disclosure Statement

Applicant notes that an Information Disclosure Statement and PTO/SB/08 form were submitted on March 9, 2010. Applicant respectfully requests that the next Office correspondence include a signed and initialed copy of the PTO/SB/08 form.

Rejections under 35 U.S.C. § 112

Claims 2-10, 14-16, 20-22, and 28-30 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Applicant respectfully submits that the amendments to the claims render these rejections moot.

In regard to the rejection of claim 3, Applicant respectfully submits that the amendments to claim 3 renders the rejection of claim 3 moot and that the disclosure of Applicant's application provides support for amended claim 3. For example at least page 14, line 30, to page 17, line 26, and Figure 8 of Applicant's application provide support for amended claim 3.

Claims 1, 3, 5, 6, 8, 10, 14, 16, 20, 22, 28, and 30 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Claims 2, 4, 7, 9, 15, 21, and 29 are rejected

under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. These rejections are respectfully traversed. Applicant respectfully submits that the amendments to the claims render these rejections moot.

Reconsideration and withdrawal of these rejections is respectfully requested.

Double Patenting

Claims 1-25 and 28-34 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-15 of co-pending Application No. 10/537,357.

Enclosed with this response is a Terminal Disclaimer. Applicant respectfully submits that the Terminal Disclaimer overcomes this rejection. Reconsideration and withdrawal of this rejection is respectfully requested.

Conclusion

Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741.

Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for

such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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